IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1804 OF 2007

1.Shri alias Shrish Ramji Choudahr,&
2.Rama Ganpath Ghatal. ...Applicants.

Versus

The State of Maharashtra ...Respondent.

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Mr.N.S.Pathak, with Mr.Karim Sheikh, Advs., for the Applicants.
Mr.V.B.Konde-Deshmukh, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 19th June, 2007.

P.C.:

1. Heard the learned Advocate for the Applicants and the learned APP for the State.

2. The applicants are seeking bail in C.R.No.I-11 of 2007 of Vartak Nagar Police Station, Thane. The said case is mainly under Section 302 of IPC.

3. As far as applicant No.2 - Rama Ganpath Ghatal is concerned, the learned Advocate for the applicants states that he is not pressing application for bail of applicant No.2 at this stage, and he seeks liberty to file a fresh application for bail at a later stage after

annexing relevant documents. Liberty as prayed for is granted. Hence, this application is being considered only in respect of applicant No.1.

4. As far as applicant No.1- Shri alias Shrish Ramji Choudahr is concerned there is no eye witness to the incident. The only material against him is recovery of weapon i.e. fire arm. However, though the investigation is over and the charge-sheet is filed there is no material on record to show that the bullet injuries sustained by the deceased were caused on account of fire-arm recovered from applicant No.1.

5. In this view of the matter, I am inclined to grant bail to applicant No.1.

6. Applicant No.1 - Shri alias Shrish Ramji Choudahr to be released on bail in the sum of Rs.25,000/- with one or two sureties to make up the said amount. The applicant No.1 shall report to Vartak Nagar Police Station, Thane once in a week, till conclusion of the trial.

7. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)